

spite the Committee Report is that it is not toward the evil of gambling in general, but the evil of a political body gaining its revenue by gambling.

DELEGATE SHERBOW: Not by gambling. The evil is by lottery.

DELEGATE BAMBERGER: I will amend my question — by lottery.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: Judge Sherbow, I am trying to understand your argument fully for constitutional ban on statewide, state-sponsored lotteries. Are you saying that a state-sponsored lottery would create more problems than it would solve? What I mean by this you are saying it would give the feeling among some people that financial problems of the State can be solved by a lottery and it might promote a bad feeling among the poor who might feel that they may have a chance to win a thousand dollars. Is it that it would create an attitude that might add to the welfare problems of the State? Is this one of your arguments?

DELEGATE SHERBOW: This is a part of the argument, Delegate Taylor. You will find that expressed a lot better than I could say it by many people who have said that it preys the most on the poor because the State then, instead of facing up to its obligations to provide for the poor by taxation in the proper way, also gives the poor the idea that they are going to get something when actually they are the ones who pay out the most, get the least, and then when it all finally winds up, they are the ones who have gotten the worst end of that stick.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: Has the state-sponsored lottery in New York alleviated any financial problems of the State?

DELEGATE SHERBOW: I can answer it only this way. It was supposed to be used to help New York State with its problem with respect to the amount of money that would be raised for schools. It also provided that part of that was to go to New York City. As it turned out, the amount of money they got from the lottery for the State was so far below what they had expected and the amount they got for New York City was so far below what they had expected, that it accomplished none of the purposes for which it had been originally planned.

THE CHAIRMAN: Delegate Lloyd Taylor, do you have further questions?

DELEGATE L. TAYLOR: Would you say a state-sponsored lottery would help curb illegal gambling or betting by citizens of the state?

DELEGATE SHERBOW: It does not help to curb illegal gambling, it does not help to curb crime. It breeds them both. This has been the experience elsewhere. You will never be able to stamp out those kinds of rackets except by law enforcement. Nothing else will do it.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: On the other side of the coin, did you give any consideration to the psychological effect of having the constitutional ban on state-sponsored lottery? I mean, for instance sometimes when you ban one activity, that may result in an increase in that activity. I think that has been the experience with regard to the prohibition against liquor and in some countries where types of practices have been outlawed like prostitution, narcotics and abortion, you still have a great amount of abortion and prostitution and dope addiction in many of these countries where these activities are outlawed.

DELEGATE SHERBOW: Insofar as lottery is concerned, we have had well over a hundred or one hundred fifty years ban in the Constitution. We have had no state lotteries, we have had nothing on any large scale. The only time we had anything on what almost grew to be a very large scale was when there was a lottery in Baltimore City offered by an organization. It was so big and so blatant that they offered a great big automobile on one of the main streets and they were indicted and the matter afterwards either did not come to trial or was dropped when they gave all the money back.

It is not like the crimes you speak of. Those are crimes that can only be stamped out by law enforcement. If you want to stop any dope addiction, I can tell you just from the little experience I have had, the way to do it is to stamp out the traffic. The way to stamp out the traffic is get to the source. The police have to be able to do it. That's a totally different picture. If this were so, then what's the use of saying the Ten Commandments are there, thou shalt not, this is what you mean, not what I mean. All I can say is it is totally different from those kinds of situations.